

**SUPREME COURT MINUTES  
WEDNESDAY, JANUARY 21, 2009  
SAN FRANCISCO, CALIFORNIA**

**S075726**

**PEOPLE v. MOORE  
(CHARLES EDWARD)**

Submission vacated

Submission of the appeal in this matter is hereby vacated. On the court's own motion, the appointment of counsel Cynthia A. Thomas is vacated. Until further order of the court, Michael G. Millman, Executive Director of the California Appellate Project in San Francisco, is hereby appointed as interim lead appellate counsel of record for appellant Charles Edward Moore. The matter will be resubmitted after questions concerning appellant's legal representation are resolved and the appeal is ready for presentation to the court.

Ms. Thomas is hereby directed to deliver to Mr. Millman, within 30 days from the filing of this order, all case transcripts, case files, appellate work product, trial files, 60-day status reports and all related materials that she has obtained from appellant Moore, from Moore's trial counsel, from prior appellate counsel, or from any other source.

Ms. Thomas is hereby referred to the State Bar of California for appropriate disciplinary proceedings in light of her appearance for argument before this court on behalf of appellant while she was actually suspended by the State Bar of California from the practice of law.

**S162880**

**GRAY (DAVID) ON H.C.**

Order to show cause issued; returnable in Court of Appeal, Third Appellate District

The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the Third District Court of Appeal, when the matter is placed on calendar, why the remittitur in case number C056083 should not be recalled, why the trial court did not err by refusing to accept for filing petitioner's notice of appeal at sentencing, and why petitioner should not therefore be allowed to file a belated notice of appeal in the superior court. (See also Calif. Rules of Court, rule 8.308, subd. (c).) The return is to be filed on or before February 20, 2009.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S168074****ROBINSON (KIM M.) v.  
COURT OF APPEAL, FIRST  
APPELLATE DISTRICT,  
DIVISION TWO (ANDREWS)**

Transferred to Court of Appeal, First Appellate District, Division Two, with directions to issue writ

The request for judicial notice is granted.

The petition for writ of error *coram vobis* is granted.

The matter is transferred to the Court of Appeal, First Appellate District, Division Two, with directions to vacate the award of sanctions in the amount of \$15,030 against Kim Robinson, attorney for the mother on appeal in *Cynthia J. v. Charlton A.*, A104663 (nonpub. opn. filed February 10, 2005) and reconsider in light of the decision of the State Bar Court of California filed May 6, 2008, In the Matter of Kim Marie Robinson, Case No. 03-O-04802-LMA.

Votes: George, C. J., Baxter, Werdegarr, Moreno, and Corrigan, JJ.

**S168198**      B201979 Second Appellate District, Div. 5**PEOPLE v. IMPERIAL  
(AUGUSTINE)**

Petitions for review denied

**S168250**      B195344 Second Appellate District, Div. 7**PEOPLE v. SANTANA  
(JAMES E.)**

Petitions for review denied

**S168312**      C054902 Third Appellate District**PEOPLE v. VIVEROS, JR.,  
(ISMAEL)**

Petition for review denied

**S168331**      E042977 Fourth Appellate District, Div. 2**PEOPLE v. SHUTE (KIM)**

Petition for review denied

**S168353**      A110427 First Appellate District, Div. 4**PEOPLE v. THOMAS  
(WILLARD EUGENE)**

Petition for review denied

**S168359** C054318 Third Appellate District

**PEOPLE v. HAWKINS  
(KENNETH LEQUIEZ)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**S168390** A122271 First Appellate District, Div. 3

**SKILLED HEALTHCARE  
GROUP, INC. v. S.C.  
(LAVENDER)**

Petition for review denied

**S168450** B199064 Second Appellate District, Div. 3

**PEOPLE v. ARMENTA  
(PILAR MENDOZA)**

Petition for review denied

**S168451** A123148 First Appellate District, Div. 1

**GABRIELLI (ALEXANDRA)  
v. S.C. (RITELLI)**

Petition for review denied

**S168469** E039367/E040423 Fourth Appellate District, Div. 2 **PEOPLE v. GARRETT  
(CLIFFORD R.)**

Petitions for review denied

**S168471** B200916 Second Appellate District, Div. 2

**PEOPLE v. GORDON  
(MARCUS ERICH)**

Petition for review denied

**S168485** B202933 Second Appellate District, Div. 7  
**(JORGE)**

**PEOPLE v. CHAVEZ**

Petition for review denied

**S168489** H033484 Sixth Appellate District

**BUTLER (ROBERT) v. S.C.  
(PEOPLE)**

Petition for review and application for stay denied

**S168495** H032659 Sixth Appellate District

**O. (A.), IN RE**

The petition for review is denied without prejudice to filing a petition for writ of habeas corpus in the Court of Appeal alleging ineffective assistance of counsel for the failure to file a timely notice of appeal.

**S168499** B203189 Second Appellate District, Div. 4

**PEOPLE v. ORROSTIETA  
(PABLO)**

Petition for review denied

**S168502** E043959 Fourth Appellate District, Div. 2

**PEOPLE v. EVANS (JOHN  
WILLIAM)**

Petition for review denied

**S168503** E041938 Fourth Appellate District, Div. 2

**PEOPLE v. BRIANO (DAVID)**

Petition for review denied

**S168507** E044079 Fourth Appellate District, Div. 2

**PEOPLE v. KING (DONALD  
DARRELL)**

Petition for review denied

**S168529** B199185 Second Appellate District, Div. 7

**PEOPLE v. COLEMAN  
(RAYMOND)**

Petition for review denied

**S168541** B199157 Second Appellate District, Div. 7

**PEOPLE v. DAVIS (ALBERT)**

Petition for review denied

**S168543** G039359 Fourth Appellate District, Div. 3

**PEOPLE v. POSADAS  
(GERARD MANGUBAT)**

Petition for review denied

**S168554**      B202232 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. LONGORIA  
(RICHARD)**

**S168558**      B198876 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. HALL (EDWARD)**

**S168565**      A120182 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BARTSCH  
(DUWAYNE)**

**S168585**      A123189 First Appellate District, Div. 4

Petition for review and application for stay denied

**CRUZ (MARISSA VALDEZ) v.  
S.C. (PEOPLE)**

**S168591**      B211912 Second Appellate District, Div. 6

Petition for review denied

**GAMBOA (VIRGILIO) ON  
H.C.**

**S168597**      A119340 First Appellate District, Div. 3

Petition for review denied

**LYON FINANCIAL  
SERVICES, INC. v.  
WALLACE (ELAINE)**

**S168600**      C054891 Third Appellate District

Petition for review denied

**PEOPLE v. MURRAY  
(LLOYD HENRY)**

**S168605** B209525 Second Appellate District, Div. 6

**SANTA BARBARA COUNTY  
COALITION AGAINST  
AUTOMOBILE SUBSIDIES v.  
SANTA BARBARA COUNTY  
ASSOCIATION OF  
GOVERNMENTS**

Petition for review & depublication request(s) denied  
Kennard and Baxter, JJ., are of the opinion the petition should be granted.

**S168609** F052930 Fifth Appellate District

**PEOPLE v. BRASHEAR  
(DEMETRIUS)**

Petition for review denied  
Baxter, J., was recused and did not participate.

**S168619** B201071 Second Appellate District, Div. 3

**PEOPLE v. ROBERTS  
(JOSHUA DEREK)**

Petitions for review denied

**S168634** F053942 Fifth Appellate District

**SCHWARTZ (ROBERT) v.  
SCHWARTZ (NICOLETTE)**

Petition for review denied

**S168635** D050585 Fourth Appellate District, Div. 1

**PEOPLE v. SANCHEZ  
(JIMMY)**

Petition for review denied

**S168642** B209762 Second Appellate District, Div. 4

**BROWNING (JERRY E.) ON  
H.C.**

Petition for review denied

**S168646** B203622 Second Appellate District, Div. 6

**PEOPLE v. BARRON (JOSE  
IGNACIO)**

Petition for review denied

**S168660**      A123232 First Appellate District, Div. 5

Petition for review denied

**ROSENBALM (VINCENT) ON  
H.C.**

**S168668**      E047083 Fourth Appellate District, Div. 2

Petition for review and application for stay denied

**CASTRO (ABRAHAM) v. S.C.  
(PEOPLE)**

**S168683**      C055325 Third Appellate District

Petition for review denied

**PEOPLE v. HAWTHORNE  
(MICHAEL JOHN)**

**S168684**      E043254 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MENDEZ  
(GIONCARLO)**

**S168691**      C058319 Third Appellate District

Petition for review denied

**PEOPLE v. MCCLAUGHLIN  
(RAYMOND WILLARD)**

**S168699**      B210584 Second Appellate District, Div. 5

Petition for review denied

**CHINESE YELLOW PAGES,  
INC. v. S.C. (CHINESE  
OVERSEAS MARKETING  
SERVICE CORPORATION)**

**S168702**      A117923 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ROBISON  
(ELDRICK EMANUEL)**

**S168723**      B198813 Second Appellate District, Div. 8

Petition for review denied

**GREGG MANAGEMENT v.  
PAYNE (ERNEST)**

**S168734** F053169 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**TURNER (TIMOTHY) v.  
SEKHON (RANBIR SINGH)**

**S168745** F053835 Fifth Appellate District  
**CITY**

Petition for review denied

Baxter, J., was recused and did not participate.

**BROOKS (MICHAEL) v.**

**OF FRESNO**

**S168751** B203364 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GARCIA  
(VICTOR)**

**S168761** D051032 Fourth Appellate District, Div. 1

Petition for review denied

**CLYMER (DANA) v.  
PICKFORD REALITY LTD.**

**S168817** B212126 Second Appellate District, Div. 7

Petition for review denied

**TOWNS (VANDRICK  
LAMONT) ON H.C.**

**S168822** G037818 Fourth Appellate District, Div. 3

Petition for review & depublication request(s) denied  
Kennard, J., is of the opinion the petition should be granted.

**SARTI (ALEXIS) v. SALT  
CREEK LTD.**

**S168827** A123226 First Appellate District, Div. 2

Petition for review denied

**HALLIWELL (MICHAEL) v.  
S.C. (PAXINOS)**



**S168828** C055887 Third Appellate District  
**(PAUL**

Petition for review denied

**S168865** F052515 Fifth Appellate District  
Petition for review denied

**S168892** B194598 Second Appellate District, Div. 8  
Petition for review denied

**S168899** H032472 Sixth Appellate District

Petition for review denied

The request for an order directing publication of the opinion is denied.

**S168923** B198980 Second Appellate District, Div. 3  
Petition for review denied

**S168928** C057444 Third Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**S168935** E044497 Fourth Appellate District, Div. 2  
Petition for review denied

**S168937** B186993 Second Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. WILLIAMS**

**THEIEDUS)**

**PEOPLE v. EIVAZ (DANIEL)**

**WILLIAMS (DOUG) v. RUSS  
(LARRY)**

**DUDLEY (CONSTANCE  
ANNE) v. TOSTEVIN  
(BRECK)**

**PEOPLE v. GONZALEZ  
(JUAN JOSE)**

**PEOPLE v. NEWBY  
(WILLIAM ROBERT)**

**PEOPLE v. DUMIRE  
(ROBERT EUGENE)**

**JENKINS (NICHOLAS) v.  
MCCARTHY (PETER T.)**

**S168954**

The petition for writ of review is denied.

**S168975** C060364 Third Appellate District

Petition for review denied

**S168978** B212176 Second Appellate District, Div. 1

Petition for review denied

The request for judicial notice is granted.

**S169011** C055388 Third Appellate District

Petition for review denied

**S169017** E044900 Fourth Appellate District, Div. 2

Petition for review denied

**S169018** E044563 Fourth Appellate District, Div. 2

Petition for review denied

**S169023** B203831 Second Appellate District, Div. 3

Petition for review denied

**S169024** B202961 Second Appellate District, Div. 7

Petition for review denied

**S169026** C058781 Third Appellate District

Petition for review denied

**YACOBOSZI, JR.,  
REINSTATEMENT OF****THAMES (BRIAN  
FRANKLIN) ON H.C.****LEWIS (VONDELL) ON H.C.****PEOPLE v. CORTEZ  
(HERBERT)****PEOPLE v. PATRON (BOBBY  
ENRIQUE)****PEOPLE v. ROBINSON  
(DAVID TROY)****PEOPLE v. HUERTA  
(GERARDO)****PEOPLE v. LEE (PERRIS  
JAQUAY)****PEOPLE v. WILLIAMS  
(KENNETH WAYNE)**

**S169036**      A120425 First Appellate District, Div. 5      **PEOPLE v. MEJIA (FRANK)**  
The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**S169047**      B201684 Second Appellate District, Div. 5      **PEOPLE v. GONZALEZ (RAFAEL)**  
Petition for review denied

**S169048**      D050561 Fourth Appellate District, Div. 1      **PEOPLE v. WILLIAMS (ALVIN ANTHONY)**  
Petition for review denied

**S169049**      E044107 Fourth Appellate District, Div. 2      **PEOPLE v. INGRAM (TYRONE)**  
Petition for review denied

**S169050**      D050888 Fourth Appellate District, Div. 1      **PEOPLE v. WHITE (COLUMBUS)**  
Petition for review denied

**S169055**      C057271 Third Appellate District      **C. (M.), IN RE**  
Petition for review denied

**S169057**      B202917 Second Appellate District, Div. 3      **PEOPLE v. HERNANDEZ (MOISES)**  
Petition for review denied

**S169058**      B209725 Second Appellate District, Div. 4      **CASTILLO (JESUS) v. WORKERS' COMPENSATION APPEALS BOARD (HORIZON TEXTILES, INC.)**

Petition for review denied

**S169069** B210712 Second Appellate District, Div. 1

**MENALDI (ARTHUR) v.  
GASTEIER (PHILLIP)**

Petition for review denied

**S169083** B201376 Second Appellate District, Div. 4

**PEOPLE v. DEAN (FAITH  
EILEEN)**

Petition for review denied

**S169084** B204672 Second Appellate District, Div. 7

**PEOPLE v. GOMEZ (MARIA)**

Petition for review denied

**S169085** C056679 Third Appellate District

**PEOPLE v. BORNES  
(SPENCER LAMAR)**

Petition for review denied

**S169086** B200991 Second Appellate District, Div. 8  
**(LARRY**

**PEOPLE v. WATSON  
CHARLES)**

Petition for review denied

**S169089** B201364 Second Appellate District, Div. 7

**PEOPLE v. BERRY (DUANE  
LAVON)**

Petition for review denied

**S169114** B206036 Second Appellate District, Div. 7

**H. (A.), IN RE**

Petition for review denied

**S169116** A117353/A116707 First Appellate District, Div. 3

**CONTE (ELIZABETH ANN) v.  
WYETH, INC.**

Petitions for review denied

Baxter, J., is of the opinion respondent's petition should be granted.

**S169117****MACPHEE (JAMES  
MICHAEL) v. STATE BAR  
COURT (STATE BAR OF  
CALIFORNIA)**

Petition for writ of mandate/prohibition denied

**S169123** A118126 First Appellate District, Div. 5**PEOPLE v. CANFIELD  
(ROBERT CHARLES)**

Petition for review denied

**S169141** C053341 Third Appellate District**PEOPLE v. CASTO  
(HERSHEL WAYNE)**

Petition for review denied

**S169149** C055337 Third Appellate District**PEOPLE v. PERRYMAN  
(JERRY WAYNE)**

Petition for review denied

**S169155** E040236/E043640 Fourth Appellate District, Div. 2 **ROMERO (ROLAND &  
JUNE), MARRIAGE OF**

Petition for review denied

**S169159** F055229 Fifth Appellate District**FORTE (EUGENE) v. ALBOV  
(MICHAEL)**

Petition for review denied

George, C. J., was recused and did not participate.

**S169160** B196837 Second Appellate District, Div. 3**KATZ (MATTHEW) v.  
BIRENBAUM (SAM)**

Petition for review denied

**S169169** C060488 Third Appellate District

Petition for review and application for stay denied

**CASHMAN (DANIEL  
PATRICK) v. S.C.  
(CASHMAN)**

**S169218** A123403 First Appellate District, Div. 4  
Petition for review denied

**SMITH (G.W.) v. S.C. (WILT)**

**S169272** E047250 Fourth Appellate District, Div. 2

Petition for review and application for stay denied

**CONTINENTAL TEVES, INC.  
v. S.C. (LEE)**

**S158105**

Petition for writ of habeas corpus denied

**ATENCIO (RICHARD) ON  
H.C.**

**S163672**

Petition for writ of habeas corpus denied

**CRUZ (OSCAR) ON H.C.**

**S164777**

Petition for writ of habeas corpus denied

**JONES (RONNIE DEAN) ON  
H.C.**

**S164972**

Petition for writ of habeas corpus denied

**CORDEIRO (DEREK) ON  
H.C.**

**S165095**

Petition for writ of habeas corpus denied

**CERVANTES (JESUS P.) ON  
H.C.**

**S165096**

Petition for writ of habeas corpus denied

**BARBER (RODERICK T.) ON  
H.C.****S165165**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**NGO (MY) ON H.C.****S165176**

Petition for writ of habeas corpus denied

**LINARES (EDUARDO) ON  
H.C.****S165221**

Petition for writ of habeas corpus denied

**WIGGINS (KEITH E.) ON  
H.C.****S165227**

Petition for writ of habeas corpus denied

**STAFFIERO (PAUL) ON H.C.****S165251**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**CABRAL (RUBEN JOHN) ON  
H.C.****S165272**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**RANDLE (WILLIE D.) ON  
H.C.****S165278**

Petition for writ of habeas corpus denied

**HOLLIS (ROBERT DWAYNE)  
ON H.C.**

**S165355**

Petition for writ of habeas corpus denied

**MILLER (EPHRIEM MARIO)  
ON H.C.**

**S165379**

Petition for writ of habeas corpus denied

**GREGORY (VANTRAE) ON  
H.C.**

**S165382**

Petition for writ of habeas corpus denied

**CHUNG (ROBERT) ON H.C.**

**S165385**

Petition for writ of habeas corpus denied

**CORONADO (ARMANDO K.)  
ON H.C.**

**S165396**

Petition for writ of habeas corpus denied  
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**ASGARI (BAHA) ON H.C.**

**S165402**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**JOHNSON (TIMOTHY) ON  
H.C.**

**S165466**

Petition for writ of habeas corpus denied

**BENKE (JACK) ON H.C.**

**S165474**

Petition for writ of habeas corpus denied

**SMITH (WILLIAM DWAIN)  
ON H.C.**

**S165482**

Petition for writ of habeas corpus denied

**SPENCER (SHEROD) ON H.C.**



**S165516****RICHARDSON III (WILLIE)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)**S165518****HERNANDEZ (ANTHONY  
ALEXIS) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)**S165532****JOHNSON (DEMETRIUS) ON  
H.C.**

Petition for writ of habeas corpus denied

**S165546****CHAPMAN (WILLIAM) ON  
H.C.**

Petition for writ of habeas corpus denied

**S165568****MOORE (MITCHELL) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**S165570****ADAMS (EZRA JOHN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S165577****JAMES (MARVIN LEE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S165598**

Petition for writ of habeas corpus denied

**MARTINEZ (THOMAS E.) ON  
H.C.**

**S165599**

Petition for writ of habeas corpus denied

**TRILLO (VICTOR B.) ON  
H.C.**

**S165600**

Petition for writ of habeas corpus denied

**FLETCHER (ANTHONY) ON  
H.C.**

**S165621**

Petition for writ of habeas corpus denied

**LOPEZ (RICARDO DIAZ) ON  
H.C.**

**S165622**

Petition for writ of habeas corpus denied

**VASQUEZ (ANTHONY) ON  
H.C.**

**S165630**

Petition for writ of habeas corpus denied

**BECKNER (CHARLES E.) ON  
H.C.**

**S165631**

Petition for writ of habeas corpus denied

**POWELL, SR., (RONALD  
FREDERICK) ON H.C.**

**S165635**

Petition for writ of habeas corpus denied

**RIVAS (JOSEPH ANTHONY)  
ON H.C.**

**S165828****OLIVAS (JULIO) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S165834****BENKE (JACK) ON H.C.**

Petition for writ of habeas corpus denied

**S166328****WILLIAMS (GARY L.) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)**S166374****TILLMAN (ANTHONY) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S166441****BREWSTER (MARK) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)**S166461****FLETCHER (ANTHONY) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)**S166668****SADDLER (ANTRONE) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S167657**

Petition for writ of habeas corpus denied

**WELCH (EUGENE  
EVERETT) ON H.C.****S168628**

Petition for writ of habeas corpus denied

**DEWBERRY (LESLIE) ON  
H.C.****S168706**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)**COLEMAN (DARREN KENT)  
ON H.C.****S168837**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**SILLEMONT (DEMARQUIS)  
ON H.C.****S168846**

Petition for writ of habeas corpus denied

**FORNEY (WINSTON) ON  
H.C.****S168850****H.C.**

Petition for writ of habeas corpus denied

**WALKER (HAROLD) ON****S168949**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)**THOMAS (ALBERT) ON H.C.****S168965**

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**JOHNSON, JR., (ROBERT)  
ON H.C.**

**S168971**

Petition for writ of habeas corpus denied

**PEREZ (DANIEL) ON H.C.****S168980**

Petition for writ of habeas corpus denied

(See *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Swain* (1949) 34 Cal.2d 300, 304.)**MEJORADO (JOSE) ON H.C.****S169004**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)**XIONG (YENG) ON H.C.****S169031**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)**COLEMAN (DARREN KENT)  
ON H.C.****S169033**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**PALMER (DANIEL) ON H.C.****S169038**

Petition for writ of habeas corpus denied

**SANDOVAL (ALFRED A.) ON  
H.C.****S169063**

Petition for writ of habeas corpus denied

**STAMOS, JR., (JAMES  
GEORGE) ON H.C.****S169122**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)**LUU (QUOC XUONG) ON  
H.C.**

**S169176**

Petition for writ of habeas corpus denied

**S169198**

Petition for writ of habeas corpus denied

**S169226**Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)**S169227**Petition for writ of habeas corpus denied  
(See *In re Waltreus* (1965) 62 Cal.2d 218.)**S169290**

Petition for writ of habeas corpus denied

**S169506****ON**Petition for writ of habeas corpus denied  
(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503.)**S168599**

D051594 Fourth Appellate District, Div. 1

Publication request denied (case closed)

**SMITH (CLEVELAND) ON  
H.C.****UPTON (DAVID) ON H.C.****LABRANCH (GARY) ON H.C.****HARMON (PHILLIP L.) ON  
H.C.****HUGHES (TIMOTHY W.) ON  
H.C.****THOMPSON (LINDBERG)****H.C.****MASTERSON (JANET) v.  
ROBBINS RESEARCH  
INTERNATIONAL, INC.**

**S168763** B200526 Second Appellate District, Div. 2

Publication request denied (case closed)

**S169046** B199511 Second Appellate District, Div. 3

Depublication request denied (case closed)

**SHIH (JOHN C.) v. CITY OF  
LOS ANGELES SAFETY  
MEMBERS PENSION FUND**

**CUNDIFF (DAVID) v.  
VERIZON CALIFORNIA, INC.**

**S168505** D050723 Fourth Appellate District, Div. 1

**PEOPLE v. GATER  
(DEMETRIUS D.)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 20, 2009.

**S055856**

**PEOPLE v. ROMERO  
(ORLANDO GENE) & SELF  
(CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel William D. Farber's representation that he anticipates filing appellant Christopher Self's reply brief by December 31, 2009, counsel's request for an extension of time in which to file that brief is granted to March 17, 2009. After that date, only five further extensions totaling about 290 additional days are contemplated.

**S080837**

**PEOPLE v. DEBOSE, JR.,  
(DONALD RAY)**

Extension of time granted

Good cause appearing, and based upon counsel Richard P. Siref's representation that he anticipates filing the appellant's reply brief by October 20, 2009, counsel's request for an extension of time in which to file that brief is granted to March 23, 2009. After that date, only four further extensions totaling about 210 additional days are contemplated.

**S155689  
GALEN)**

**DAVENPORT (JOHN  
  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Statia Peakheart's and David R. Evans's representation that they anticipate filing the reply to the informal response to the petition for writ of habeas corpus by February 13, 2009, counsel's request for an extension of time

in which to file that document is granted to February 13, 2009. After that date, no further extension is contemplated.

**S162381**

**FARNAM (JACK GUS) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General David A. Wildman's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by February 3, 2009, counsel's request for an extension of time in which to file that document is granted to February 3, 2009. After that date, no further extension is contemplated.

**S014664**

**PEOPLE v. GRAY (MARIO  
LEWIS)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorneys of record for condemned prisoner Mario Lewis Gray, filed January 2, 2009, is granted. The order appointing Mark A. Borenstein as counsel of record for condemned prisoner Mario Lewis Gray, filed December 23, 1991, and the order appointing Louis E. Kempinsky as associate counsel of record for condemned prisoner Mario Lewis Gray, filed November 9, 1992, are hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Mario Lewis Gray. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

**S037195**

**PEOPLE v. KENNEDY  
(JERRY NOBLE)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed habeas corpus/executive clemency counsel for permission to withdraw as attorney of record for condemned prisoner Jerry Noble Kennedy, filed December 24, 2008, is granted.

The order appointing Judd C. Iversen as habeas corpus/executive clemency counsel of record for condemned prisoner Jerry Noble Kennedy, filed June 29, 2005 (as amended Dec. 16, 2005), is hereby vacated.

On the court's own motion, Michael W. Clough is hereby appointed to represent condemned prisoner Jerry Noble Kennedy for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court. Iversen is hereby directed to deliver to Clough, within 60 days from the filing of this order, all case transcripts, case files, habeas corpus



investigation work product, trial files, investigation reports, 60-day status reports and all related materials that he has obtained from condemned prisoner Jerry Noble Kennedy or from Kennedy's appellate, trial or prior habeas corpus counsel, paralegals, experts and investigators, or from any other source.

**S099844**

**PEOPLE v. RAMIREZ (JUAN VILLA)**

Counsel appointment order filed

Good cause appearing, the application of appointed counsel Lisa R. Short for the appointment of associate counsel, filed January 6, 2009, is granted.

Michael R. Snedeker is hereby appointed as associate counsel of record to represent appellant Juan Villa Ramirez for the direct appeal in the above automatic appeal now pending in this court.

**S076339**

**PEOPLE v. GRIMES (GARY LEE)**

Record augmentation granted

Appellant's "Application for Order Augmenting Record on Appeal," filed November 25, 2008, and supplemented on December 15, 2008, is granted. The record on appeal is augmented to include the copy of the reporter's transcript attached to appellant's application: the testimony of Edward Bronson on July 24, 1997, in *People v. Thomas Elmer Brewster* (Shasta County Superior Court No. 95F8703), reporter's transcript pages 1767-1835.

**S037195**

**PEOPLE v. KENNEDY (JERRY NOBLE)**

Order filed

Good cause appearing, appointed habeas corpus/executive clemency counsel Judd C. Iversen's "Application to File Declaration of Dr. Alan B. Schwartz Under Seal Pursuant to California Rules of Court, Rule 8.160(e)," filed December 24, 2008, is granted.

The court expressly finds that the factors enumerated in California Rules of Court, rule 2.550(d), support granting the application to file under seal.

**S166738**

**WELCH (DAVID ESCO) v. S.C. (PEOPLE)**

Order filed

Petitioner's "Application for Leave to File Documents Under Seal," filed September 15, 2008, is granted in part and denied in part as follows: The clerk is directed to file under seal Exhibits 1-8 and 10, which were received conditionally under seal on September 15, 2008. In ordering this sealing, the court makes the findings required by rules 2.550(d) and 8.160(e) of the California Rules of Court. The application is denied as to Exhibit 9.

Because Exhibit 9 is contained in the same bound volume as Exhibits 1-8 and 10, the Clerk presently cannot file Exhibits 1-8 and 10 under seal. The Clerk is directed to return to counsel for petitioner the volume of exhibits received conditionally under seal. Petitioner may resubmit an unsealed version of Exhibit 9 for filing. Petitioner may also resubmit Exhibits 1-8 and 10 under seal, and the clerk must then file those exhibits under seal.

Petitioner's "Petition for Writ of Mandamus," filed on September 15, 2008, is treated as a motion to vacate the referee's ruling and, as such, is denied.

**S168322**      B208541 Second Appellate District, Div. 8      **PORCAYO (ANTONIA) v.  
WORKERS'  
COMPENSATION APPEALS  
BOARD (SPORTS CHALET  
C/O INTERCARE  
INSURANCE)**

Order filed

The order filed on January 12, 2009, extending the time to grant or deny review is hereby amended to reflect the title above.

**S168322**      B208541 Second Appellate District, Div. 8      **PORCAYO (ANTONIA) v.  
WORKERS'  
COMPENSATION APPEALS  
BOARD (SPORTS CHALET  
C/O INTERCARE  
INSURANCE)**

Order filed

The order filed on January 14, 2009, denying the petition for review is hereby amended to reflect the title above.